

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

(1) JOE HUNSINGER,	)	
	)	
PLAINTIFF,	)	
vs.	)	
	)	Case No. <u>17-CV-2228</u>
(2) MIDLAND CREDIT	)	
MANAGEMENT INC.,	)	
(3) OLD REPUBLIC SURETY	)	
COMPANY,	)	
	)	
DEFENDANTS.	)	

**EXHIBIT "C"**

**INDEX OF STATE COURT FILINGS**

- C-1** Petition filed July 12, 2017;
- C-2** Military Status Affidavit filed July 12, 2017;
- C-3** Citation issued as to Midland Credit Management Inc. and Old Republic Surety Company dated July 12, 2017;
- C-4** Original Answer of Old Republic Surety Company filed August 3, 2017;
- C-5** Entry of Appearance for Jon E. Brightmire on behalf of Defendant Midland Credit Management, Inc. filed August 3, 2017;
- C-6** Defendant Midland Credit Management, Inc.'s Motion for Extension of Time with Proposed Order filed August 3, 2017;
- C-7** Defendant Midland Credit Management, Inc.'s Original Answer filed August 17, 2017;
- C-8** Notice of Notice of Removal filed August 21, 2017.

**Justice Court Civil Case Information Sheet** (10/01/2015)

Cause Number (for Clerk use ONLY) \_\_\_\_\_

JOE HUNSINGER

STYLED \_\_\_\_\_

v.  
**MIDLAND CREDIT MANAGEMENT, INC.**  
 and  
**OLD REPUBLIC SURETY COMPANY**

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleadings or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact information for person completing case Information sheet:	2. Names of parties in case:
<b>JOE HUNSINGER</b>  Name 7216 CF HAWN FRWY.  Address                      Apt/Suite DALLAS                      TEXAS                      75217  City                      State                      Zip JOE75217@GMAIL.COM  Email  Telephone 214-682-7677  Fax NONE  State Bar No. PRO SE  Signature	Plaintiff(s): JOE HUNSINGER  _____  Defendant(s): MIDLAND CREDIT MANAGEMENT INC.  OLD REPUBLIC SURETY COMPANY  _____  [Attach additional page as necessary to list ALL parties]
3. Indicate case type, or identify the most important issue in the case (select only 1):	
<input checked="" type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

Judge Sara Martinez

3443 St. Francis Ave.

Email: JP51court@dallascounty.org

Justice of the Peace, Precinct 5, Place 1

Dallas, Texas 75228

East Dallas Government Center

Phone 214.943.6980

Fax 214.943.2871

Case No. JS 17-201700**JOE HUNSINGER**Plaintiff(s)

v.

**MIDLAND CREDIT MANAGEMENT INC.**1<sup>st</sup> Defendant**OLD REPUBLIC SURETY COMPANY**2<sup>nd</sup> Defendant§  
§  
§  
§  
§  
§  
§  
§  
§**In the Justice Court****Precinct 5, Place 1****County of Dallas****State of Texas**RECEIVED  
JUSTICE OF THE PEACE 5-1  
17 JUL 12 PM 12:46**Small Claims Petition**

(This form must be accompanied by a Justice Court Civil Case Information Sheet)

(For all addresses, you **MUST** include number, street, apartment number, city, state, & zip code.)

**NOW COMES** the above named **Plaintiff** in the above entitled and numbered cause complaining of the above named **Defendant(s)**, who can be notified and/or served with citation at the following address:

**1<sup>st</sup> Defendant's address:**

8875 AERO DRIVE #200

ADDRESS and APT NO. or SUITE		
San Diego	CALIFORNIA	92108
CITY	STATE	ZIP

OTHER, if any

800-265-8825

Phone \_\_\_\_\_ FAX \_\_\_\_\_

**2<sup>nd</sup> Defendant's address:**

8111 Lyndon B Johnson Fwy #530

ADDRESS and APT NO. or SUITE		
DALLAS	TEXAS	75251
CITY	STATE	ZIP

OTHER, if any

262-797-2640

Phone \_\_\_\_\_ FAX \_\_\_\_\_

**3<sup>rd</sup> Defendant's address:**

ADDRESS and APT NO. or SUITE

CITY STATE ZIP

OTHER, if any

Phone \_\_\_\_\_ FAX \_\_\_\_\_

0 Defendant(s) is/are justly indebted to Plaintiff(s) for return of the following described property:

**Check to indicate service on Registered Agent**0 Registered agent for service of 1<sup>st</sup> DefendantNAME CORPORATE Service CompanyADDRESS 211 EAST 7TH STREET #620CITY STATE ZIP Austin TX 78701

OTHER \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Check to indicate service on Registered Agent**0 Registered agent 2<sup>nd</sup> DefendantNAME CORPORATE Service CompanyADDRESS 211 EAST 7TH STREET #620CITY STATE ZIP Austin TX 78701

OTHER \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_

**Check to indicate service on Registered Agent**0 Registered agent 3<sup>rd</sup> Defendant

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY STATE ZIP \_\_\_\_\_

OTHER \_\_\_\_\_

Phone \_\_\_\_\_ FAX \_\_\_\_\_

Amador

valued at \$

Or

X Defendant(s) is/are justly indebted to Plaintiff(s) in the sum of \$ **10,000.00** for the following reason(s):

Plaintiff was contacted by Midland Credit Management, Inc. (Defendant Midland) collection letter dated 4-11-2014. Plaintiff disputed the debt in my letter dated 6-5-2014. Defendant Midland responded in a letter dated 6-20-2014, which no real investigation was done about my dispute. On 7-2-2015 Plaintiff sent Defendant Midland a second dispute letter, Defendant Midland continued their collection activity in their collection letters dated 2-10-2016 and 4-27-2016. On 6-22-2016 Midland's letter told me they opened an investigation on my dispute letter.

Plaintiff applied for credit with Discover and Chase and they inquired into his personal credit report on 7-22-2016 and Midland was reporting derogatory information about Plaintiff during a written dispute investigation. Plaintiff was denied credit by Discover letter 7-22-2016 and Chase letter 7-23-2016.

On 9-14-2016 Midland letter notified Plaintiff that they were no longer be collecting on the account.

Defendant Old Republic Surety Company (Defendant Republic) is a foreign entity that can be served in the state of Texas via its registered agent, Corporation Service Company, at 211 East 7<sup>th</sup> St., #620, Austin, Texas 78701. Defendant Republic is liable for acts committed by Defendant Midland pursuant to and to the extent provided by chapter 392 of the Texas Finance Code and a bond secured pursuant bond No. 2425881 with the Texas Secretary of State

Defendant Midland violated the Fair Debt Collection Practices Act (FDCPA) sections listed below and Plaintiff seeks a judgment of \$1,000.00 for these violations:

1692d, 1692e(2)(A), 1692e(5), 1692e(10), 1692f, and 1692g

Defendant violated Texas Finance Code (TFC) sections listed below and Plaintiff seeks a judgment of \$1,600.00 for these violations:

392.202(A)	\$100	392.301(a)(8)	\$100
392.202(B)	\$100	392.202	\$100
392.202(D)(1)	\$200	392.303(a)	\$100
392.202(D)(2)	\$200	392.303(a)(2)	\$100
392.202(D)(3)	\$200	392.304(a)(4)	\$100
392.301(a)(3)	\$200	392.304(a)(19)	\$100

On 9-8-2015 Defendant Midland's Consent Order with the CFPB No. 2015-CFPB-022, Defendant Midland was found to have violated 1692d, 1692e, 1692e(5), and 1692(10). The same violations stated in Plaintiff's Petition. Defendant Midland receives an average of 140,000 complaints a month (see paragraph 36 of the consent order). Defendant Midland was found to have ordered their personnel not to investigate disputes by requesting documentation from the consumer making

the dispute (see paragraph 38 of the consent order). Defendant Midland was found to collect debts without a reasonable basis (see paragraph 45 and 129 of the consent order).

Although Defendant Midland paid up to \$42,000,000.00 in restitution to consumers and another \$10,000,000 to the CFPB, and entered into a "Compliance Plan" to deter future violations of the FDCPA, Defendant Midland still violated the FDCPA against the Plaintiff.

Plaintiff demands \$2600.00. And Plaintiff demands \$7400.00 in special and compensatory damages, punitive damages, and general damages for the express purpose of punishing the defendant and to deter future similar acts to others. Plaintiff has suffered a loss of the enjoyment of his life by not having with him an extension of credit and the ability to participate in and enjoy the activities and pleasures of life as experienced prior to the injury.

After this Petition is filed, Plaintiff will send a true certified copy to:

Assistant Director for Enforcement  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, DC 20552

and


Office of the Texas Attorney General  
300 W. 15th Street  
Austin, TX 78701

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In a separate Motion, Plaintiff will request copies of judgments against Defendant Midland and the contract they had with the original creditor that allegedly allowed them to pursue collection activity against Plaintiff.

AND there are no counterclaims existing in favor of Defendant(s) against Plaintiff(s) except: NONE

**Plaintiff(s) request(s) a judgment for a sum of money against Defendant(s), plus all court and process server fees incurred.**


X   
Signature of Plaintiff, Plaintiff's authorized agent, or  
7216 CF Hawn Frwy.

Address, Apartment or Suite No.  
Dallas Texas 75217  
City State Zip  
Phone 214-682-7677 FAX

X \_\_\_\_\_  
Signature of Plaintiff's Attorney (if applicable)

Attorney Address and Suite No.  
Attorney City Attorney State Attorney Zip  
Phone FAX

Bar Card # \_\_\_\_\_

 (initial) I consent to email service of the answer and any other motions or pleadings, to my email address

joe75217@gmail.com

\_\_\_\_\_  
Email address

**Instructions:**

The Servicemembers Civil Relief Act applies to a civil proceeding in the Justice courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court.

A person who makes or uses an affidavit under this Act knowing to be false, may be fined or imprisoned or both. 50 USC App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/>. This website will provide the current active military status of an individual.

**Military Status Affidavit**

Case No. J5 17 20170 O § **IN THE JUSTICE COURT**  
 §  
**JOE HUNSINGER** §  
 §  
Plaintiff §  
 §  
 Vs. § **DALLAS COUNTY, TEXAS**  
 §  
**MIDLAND CREDIT MANAGEMENT, INC.** §  
 §  
**OLD REPUBLIC SURETY COMPANY** §  
 §  
Defendant §  
 §  
**PRECINCT 5, PLACE 1**

RECEIVED  
 JUSTICE OF THE PEACE 5-1  
 17 JUL 12 PM 12:46

**BEFORE ME**, on this day personally appeared, Joe Hunsinger  
 who, under penalty of perjury, stated that the following facts are true:

I am the ☒ Plaintiff. ☐ Attorney of Record for the Plaintiff in this proceeding.

MIDLAND CREDIT MANAGEMENT, INC.

☒ Defendant, **is not** in military service.

OLD REPUBLIC SURETY COMPANY

☒ Defendant, **is not** in military service.

I know this because BOTH DEFENDANTS ARE FOREIGN CORPORATION. THEY HAVE NO SOULS OR HUMAN FLESH.

☐ I am unable to determine whether or not the Defendant is in military service.

Signed on 7-12-17

Signature

JOE HUNSINGER

Printed Name

7216 CF Hawn Frwy

Dallas Texas 75217

Address

Apt. #

City

Zip

214-682-7677

Telephone

Email Address

THE STATE OF TEXAS §

COUNTY OF DALLAS §

SWORN TO AND SUBSCRIBED BEFORE ME on July 12, 2017

[seal]

A. Mason  
 Clerk of the Court

Notary Public, State of Texas



T H E S T A T E O F T E X A S

DOCKET NO: JS17-201700

TO THE DEFENDANT: MIDLAND CREDIT, INC R/A CORPORATE SERVICE COMPANY  
OLD REPUBLIC SURETY COMPANY RA/ CORPORATE SERVICE COMPANY

SUIT DESCRIPTION:  
SEE ATTACHMENT

PLAINTIFF(S):  
HUNSINGER, JOE  
7216 CF HAWN FRWY  
DALLAS, TX 75217  
(214) 682 7677

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY TO HELP YOU IN DEFENDING AGAINST THIS LAWSUIT. BUT YOU ARE NOT REQUIRED TO EMPLOY AN ATTORNEY. YOU OR YOUR ATTORNEY MUST FILE AN ANSWER WITH THE COURT. YOUR ANSWER IS DUE BY THE END OF THE 14TH DAY AFTER THE DAY YOU WERE SERVED WITH THESE PAPERS. IF THE 14TH DAY IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, YOUR ANSWER IS DUE BY THE END OF THE FIRST DAY FOLLOWING THE 14TH DAY THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY. DO NOT IGNORE THESE PAPERS. IF YOU DO NOT FILE AN ANSWER BY THE DUE DATE, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. FOR FURTHER INFORMATION, CONSULT PART V OF THE TEXAS RULES OF CIVIL PROCEDURE, WHICH IS AVAILABLE ONLINE AND ALSO AT THE COURT LISTED ON THIS CITATION. IF YOU FAIL TO FILE AN ANSWER, JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION. A COPY OF PLAINTIFF'S PETITION IS ATTACHED HERETO AND MADE A PART HEREOF AS THOUGH WRITTEN IN.

VS.  
DEFENDANT(S):  
MIDLAND CREDIT, INC  
R/A CORPORATE SERVICE COMPANY  
211 EAST 7TH STREET #620  
AUSTIN, TX 78701

OLD REPUBLIC SURETY COMPANY  
RA/ CORPORATE SERVICE COMPANY  
211 EAST 7TH STREET #620  
AUSTIN, TX 78701

CITATION  
IN THE JUSTICE COURT

FILED ON: 07-12-2017

CITATION ISSUED: 07-12-2017  
CITATION ISSUED TO  
PLT



JUDGE SARA MARTINEZ  
JUSTICE OF THE PEACE  
PRECINCT 5 PLACE 1  
DALLAS COUNTY

*Sara Martinez*

SARA MARTINEZ  
JUSTICE OF THE PEACE  
PRECINCT 5, PLACE 1  
DALLAS COUNTY  
3443 ST. FRANCIS  
DALLAS, TEXAS 75228  
(214) 943-6980

CAUSE NO. JS-17-20170 O

JOE HUNSINGER

*Plaintiff,*

vs.

MIDLAND CREDIT MANAGEMENT, INC.  
AND OLD REPUBLIC SURETY COMPANY

*Defendants*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE JUSTICE COURT

PRECINCT 5, PLACE 1

DALLAS COUNTY, TEXAS

---

**DEFENDANT OLD REPUBLIC SURETY COMPANY'S  
ORIGINAL ANSWER**

---

TO THE HONORABLE JUDGE OF SAID COURT:

COMES now, Defendant OLD REPUBLIC SURETY COMPANY ("ORSC" or "Defendant") and files this Original Answer, and would respectfully show the Court as follows:

**GENERAL DENIAL**

1. Pursuant to Texas Rule of Civil Procedure 92, Defendant generally denies each and every, all and singular, the allegations contained in Plaintiff's Small Claims Petition, and demands strict proof, by a preponderance of the credible evidence.

**SPECIFIC DENIAL**

2. Defendant specifically denies all liability for the allegations in Plaintiff's Small Claims Petition because the alleged activity occurred prior to the effective date of the bond at issue. Defendant specifically denies any and all liability to Plaintiff.

**SPECIFIC AND AFFIRMATIVE DEFENSES**

3. Plaintiff's claims are barred in whole or in part by a failure of condition precedent.



4. Plaintiff's claims are barred, in whole or part, under the doctrine of limitation of liability.

5. Plaintiff's alleged damages, if any, were caused by individuals and/or entities that Defendant had no ability to, and in fact did not control.

6. Plaintiff's damages, if any, were caused or contributed to, in whole or in part, by Plaintiff's own acts and/or omissions.

**PRAYER**

WHEREFORE, Defendant OLD REPUBLIC SURETY COMPANY respectfully requests and prays that Plaintiff take nothing on his claims and causes of action; that Defendant recover its costs and reasonable and necessary attorney's fees; and that Defendant recover such other and further relief, in law and equity, as it may show itself justly entitled.

Respectfully submitted,

**CONDON TOBIN SLADEK THORNTON, PLLC**

/s/ Kendal B. Reed

Aaron Z. Tobin

Texas Bar No. 24028045

atobin@ctstlaw.com

Kendal B. Reed

Texas Bar No. 24048755

kreed@ctstlaw.com

8080 Park Lane, Suite 700

Vanessa Rosa-Kubik

Texas Bar No. 24081769

vrosa@ctstlaw.com

Dallas, Texas 75231

Telephone 214-265-3800

Facsimile 214-691-6311

**ATTORNEYS FOR DEFENDANT OLD  
REPUBLIC SURETY COMPANY**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **DEFENDANT OLD REPUBLIC SURETY COMPANY'S ORIGINAL ANSWER** has been forwarded this date by E-mail and Certified Mail, Return Receipt Requested, postage prepaid to the following:

Joe Hunsinger  
7216 CF Hawn Frwy  
Dallas, Texas 75217  
Email: joe75217@gmail.com

Signed this the 3<sup>rd</sup> day of August, 2017.

/s/ Kendal B. Reed  
KENDAL B. REED

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	PRECINCT 5 PLACE 1
MIDLAND CREDIT MANAGEMENT,	)	
INC.; OLD REPUBLIC SURETY	)	Dallas County, Texas
COMPANY,	)	
	)	
Defendant.	)	

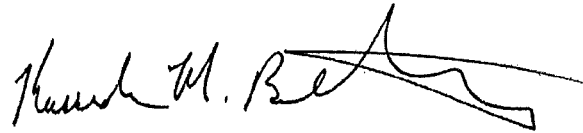
**ENTRY OF APPEARANCE**

Jon E. Brightmire and Kassandra M. Bentley of the law firm of Doerner, Saunders, Daniel & Anderson, L.L.P., enter their appearance on behalf of the Defendant Midland Funding, LLC.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:



Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
Ridglea Bank Building  
6300 Ridglea Place  
Suite 820  
Fort Worth, TX 76116  
(817) 653-.3232 – *Telephone*  
(918) 925-5339 – *Facsimile*  
[kbentley@dsda.com](mailto:kbentley@dsda.com)

and

Jon E. Brightmire, OBA No. 11623  
Two West Second Street, Suite 700  
Tulsa, OK 74103-3117  
(918) 591-5258 – *Telephone*  
(918) 925-5258 – *Facsimile*  
*jbrightmire@dsda.com*

*Attorneys for*  
*Midland Credit Management, Inc.*

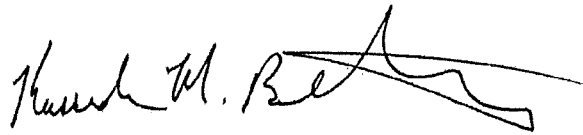
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 3, 2017, a true and correct copy of the above and foregoing was:

- ☒ mailed with postage prepaid thereon;
- ☐ mailed by certified mail, Return Receipt No. \_\_\_\_\_;
- ☐ transmitted via e-mail;
- ☐ transmitted via facsimile; or
- ☐ hand-delivered;

to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217



---

Kassandra M. Bentley

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5 PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
Defendant.	)	

**DEFENDANT MIDLAND CREDIT MANAGEMENT  
INC.'S MOTION FOR EXTENSION OF TIME**

In accordance with Texas Rule of Civil Procedure 500.5(c), Defendant Midland Funding, LLC requests an extension of fourteen (14) days within which to serve an answer or other responsive pleading to the Petition. In support of this request, Defendant states the following:

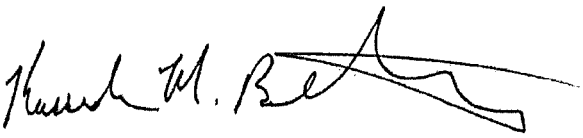
1. Without the requested extension, Defendant's answer or other responsive pleading is due August 3, 2017.
2. No previous motions for extension of time have been made.
3. The extension is requested as counsel for Defendant is still gathering information necessary to respond to the Petition.
4. There are no scheduled trials or other deadlines, and therefore the granting of this Motion will not have any impact on other deadlines.
5. Defendant requests an extension of fourteen (14) day to answer or otherwise respond to the Petition.
6. A proposed Order granting this Motion is being submitted with the Motion.



WHEREFORE, Defendant Midland Funding LLC requests an extension of 14 days or August 17, 2017 to answer or otherwise respond to the Petition.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:   
Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
Ridglea Bank Building  
6300 Ridglea Place  
Suite 820  
Fort Worth, TX 76116  
(918) 813-1911 – *Telephone*  
(918) 925-5259 – *Facsimile*  
[kbentley@dsda.com](mailto:kbentley@dsda.com)

and

Jon E. Brightmire, OBA No. 11623  
Two West Second Street, Suite 700  
Tulsa, OK 74103-3117  
(918) 591-5258 – *Telephone*  
(918) 925-5258 – *Facsimile*  
[jbrightmire@dsda.com](mailto:jbrightmire@dsda.com)

*Attorneys for*  
*Midland Credit Management, Inc.*

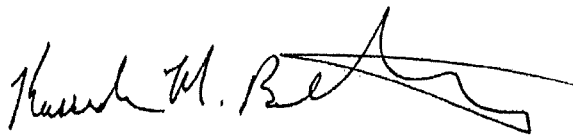
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 3, 2017, a true and correct copy of the above and foregoing was:

- ☒ mailed with postage prepaid thereon;
- ☐ mailed by certified mail, Return Receipt No. \_\_\_\_\_;
- ☐ transmitted via e-mail;
- ☐ transmitted via facsimile; or
- ☐ hand-delivered;

to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217



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Kassandra M. Bentley

CASE NO. JS170027814

JOE HUN\$INGER,	)	
	)	IN THE JUSTICE COURT
Plaintiff,	)	
v.	)	
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5 PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
Defendant.	)	

**ORDER GRANTING EXTENSION OF TIME**

Upon Motion of Defendant Midland Funding, LLC and for good cause shown, the Court finds that Defendant's Motion for Extension of Time to Respond to Plaintiff's Petition should be granted.

IT IS THEREFORE ORDERED Defendant's time to respond to Plaintiff's Petition is extended 14 days.

---

HONORABLE SARA MARTINEZ  
JUSTICE OF THE PEACE

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5 PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
	)	
Defendant.	)	

**DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.'S ORIGINAL ANSWER**

Defendant Midland Credit Management, Inc. ("Midland") files its *Original Answer* to Plaintiff Joe Hunsinger's Small Claims Petition, and in support states the following:

**I.**  
**General Denial**

1. Midland generally denies each and every allegation contained in Plaintiff's Petition and demands strict proof thereof by a preponderance of the evidence as required by law.

**II.**  
**Alternative Defenses**

2. Should any of the defenses or allegations contained in this pleading be inconsistent or required to be alleged in the alternative, they shall be considered as being pled in the alternative and no waiver of any defense is intended as a result of the content of any other defense.

3. Plaintiff has failed to state a claim upon which relief can be granted.

4. All of Plaintiff's claims are barred by the applicable statute of limitations.

5. Plaintiff lacks standing to bring this lawsuit because he did not suffer an injury-in-fact.

6. To the extent any violation is established, any such violation was not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adopted and specifically intended to avoid any such error.

7. Any alleged damages to Plaintiff, which Defendant denies, are the result of the acts or omissions of Plaintiff or others over whom Defendant has no control and for whom it has no responsibility, and were not due to the actions of Defendant.

8. Plaintiff failed to mitigate his alleged damages.

### **III.**

#### **Right to Amend or Supplement this Answer**

3. Midland specifically reserves the right to amend or supplement this answer and pleading by way of affirmative defense, special exception, counterclaim, cross-claim, or any other pleading or matter as permitted by the Texas Rules of Civil Procedure or other applicable authority, agreement of the parties, or Court order.

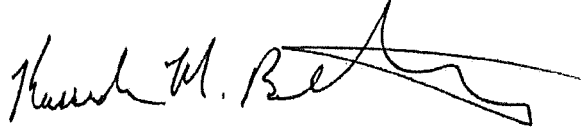
### **IV.**

#### **Request for Relief**

WHEREFORE, PREMISES CONSIDERED, Midland respectfully requests that: (a) Plaintiff takes nothing by way of his claims against Midland; (b) all claims asserted by Plaintiff against Midland be dismissed; (c) Midland recover the costs it incurs defending against Plaintiff's claims; and (d) Midland be awarded such other and further relief, whether at law or in equity, to which it is entitled.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.



By:

Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
Ridglea Bank Building  
6300 Ridglea Place  
Suite 820  
Fort Worth, TX 76116  
(918) 813-1911 – *Telephone*  
(918) 925-5259 – *Facsimile*  
[kbentley@dsda.com](mailto:kbentley@dsda.com)

and

Jon E. Brightmire, OBA No. 11623  
Two West Second Street, Suite 700  
Tulsa, OK 74103-3117  
(918) 591-5258 – *Telephone*  
(918) 925-5258 – *Facsimile*  
[jbrightmire@dsda.com](mailto:jbrightmire@dsda.com)

*Attorneys for*  
*Midland Credit Management, Inc.*



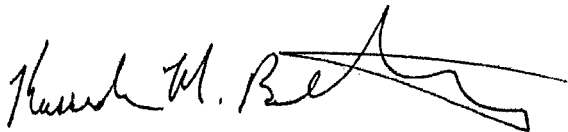
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 17, 2017, a true and correct copy of the above and foregoing was:

- ☒ mailed with postage prepaid thereon;
- ☐ mailed by certified mail, Return Receipt No. \_\_\_\_\_;
- ☐ transmitted via e-mail;
- ☐ transmitted via facsimile; or
- ☐ hand-delivered;

to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217



---

Kassandra M. Bentley

**CASE NO JS-17-20170 O**

JOE HUNSINGER,	)	
	)	
Plaintiff,	)	
v.	)	IN THE JUSTICE COURT
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5, PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
Defendants.	)	

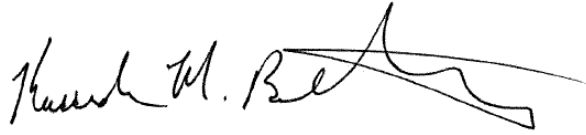
**NOTICE OF NOTICE OF REMOVAL OF CIVIL ACTION**

TO: THE CLERK OF THE JUSTICE COURT  
Precinct 5, Place 1  
Dallas, Texas

PLEASE TAKE NOTICE the above-captioned cause has been removed from this Court to the United States District Court for the Northern District of Texas. Attached is a copy of the Notice of Removal filed on August 21, 2017, with the United States District Court for the Northern District of Texas, removing this case from Justice Court, Precinct 5, Place 1, Dallas County, State of Texas, pursuant to 28 U.S.C. §1331 and 28 U.S.C. § 1441. A copy of the Notice of Removal is attached as Exhibit "A."

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.



By:

Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
Ridglea Bank Building  
6300 Ridglea Place  
Suite 820  
Fort Worth, TX 76116  
(918) 813-1911 – *Telephone*  
(918) 925-5259 – *Facsimile*  
[kbentley@dsda.com](mailto:kbentley@dsda.com)

and

Jon E. Brightmire, OBA No. 11623  
Two West Second Street, Suite 700  
Tulsa, OK 74103-3117  
(918) 591-5258 – *Telephone*  
(918) 925-5258 – *Facsimile*  
[jbrightmire@dsda.com](mailto:jbrightmire@dsda.com)

*Attorneys for*  
*Midland Credit Management, Inc.*

**CERTIFICATE OF SERVICE**

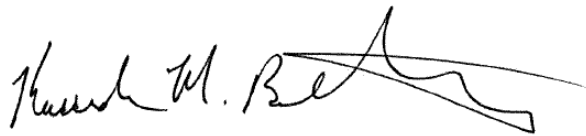
The undersigned hereby certifies that on August 21, 2017, a true and correct copy of the above and foregoing was:

- ☒ mailed with postage prepaid thereon;
- ☐ mailed by certified mail, Return Receipt No. \_\_\_\_\_;
- ☐ transmitted via e-mail;
- ☐ transmitted via facsimile; or
- ☐ hand-delivered;

to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217

Aaron Z. Tobin  
Kendal B. Reed  
Vanessa Rosa-Kubik  
Condon Tobin Sladek Thornton, PLLC  
8080 Park Lane, Suite 700  
Dallas, TX 75231



---

Kassandra M. Bentley

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

(1) JOE HUNSINGER,

PLAINTIFF,

vs.

(2) MIDLAND CREDIT  
MANAGEMENT INC.,

(3) OLD REPUBLIC SURETY  
COMPANY,

DEFENDANTS.

Case No. \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant Midland Credit Management, Inc., pursuant to 28 U.S.C. §§1331, 1441, and 1446, removes this action from the Justice Court, Precinct 5, Place 1, County of Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division. The grounds for removal are the following:

**I. STATE COURT ACTION**

1. On July 12, 2017, Plaintiff Joe Hunsinger filed a pleading titled "Small Claims Petition" in the Justice Court, Precinct 5, Place 1 of Dallas County, Texas, under Cause No. JS17-20170 O (the "State Court Action").

2. Midland Credit was served with the Small Claims Petition on July 20, 2017.

3. The other Defendant in this lawsuit, Old Republic Surety Company, filed their Answer on August 3, 2017.

**II. PROCEDURAL REQUIREMENTS**

4. In accordance with 28 U.S.C. §1441, this action is properly removed to this Court as the State Court Action is pending within this district and division.

5. In accordance with 28 U.S.C. §1446(b), this Notice of Removal is timely filed as it is being filed within 30 days of Midland Credit's receipt of the State Court Action on July 20, 2017, and within one year of the commencement of the State Court Action.

6. In accordance with 28 U.S.C. §1446(b)(2)(A), the only other Defendant, Old Republic, consents to the removal of the action.

7. In accordance with 28 U.S.C. § 1446(a), this Notice of Removal is accompanied by copies of the following:

- Exhibit A** Index of Matters Being Filed;
- Exhibit B** A copy of the State Court Docket Sheet (Case History);
- Exhibit C** A List reflecting all pleadings and orders in the State Court Action, including:
  - C-1** Petition filed July 12, 2017;
  - C-2** Military Status Affidavit filed July 12, 2017;
  - C-3** Citation issued as to Midland Credit Management Inc. and Old Republic Surety Company dated July 12, 2017;
  - C-4** Original Answer of Old Republic Surety Company filed August 3, 2017;
  - C-5** Entry of Appearance for Jon E. Brightmire on behalf of Defendant Midland Credit Management, Inc. filed August 3, 2017;
  - C-6** Defendant Midland Credit Management, Inc.'s Motion for Extension of Time with Proposed Order filed August 3, 2017;
  - C-7** Defendant Midland Credit Management, Inc.'s Original Answer filed August 17, 2017;
  - C-8** Notice of Notice of Removal filed August 21, 2017.

### **III. FEDERAL QUESTION JURISDICTION**

8. Midland removes this action to federal court under federal question jurisdiction.



9. A federal district court has original jurisdiction over civil actions arising under federal law. 28 U.S.C. §1331. In the context of removal, a court determines whether a federal question is presented in the plaintiff's complaint as it stands at the time the notice of removal is filed. *American Homes 4 Rent Props. v. Gates*, 2014 WL 4271645 at \*4 (N.D. Tex. Aug. 27, 2014) (quoting *Metro Ford Truck Sales, Inc. v. Ford Motor Co.*, 145 F.3d 320, 326 (5<sup>th</sup> Cir. 1998)). When a plaintiff seeks recovery directly under the laws of the United States, a federal court must generally entertain the suit. *See Southpark Square, Ltd. v. Jackson*, 565 F.2d 338, 341 (5<sup>th</sup> Cir. 1977)

10. In his Small Claims Petition Plaintiff states: "Defendant Midland violated the Fair Debt Collection Practices Act (FDCPA) sections listed below," and lists the following sections of the FDCPA: §1692d, §1692e(2)(A), §1692e(5), §1692e(10), §1692f, and §1692g. The FDCPA is federal law. *See* 15 U.S.C. §1692 *et. seq.*

11. Because this action arises under the laws of the United States, this Court has subject matter jurisdiction over this action in accordance with 28 U.S.C. §1331, and removal of this entire cause is therefore proper under 28 U.S.C. §1441(c). This Court has supplemental jurisdiction over the alleged state law claims under 28 U.S.C. §1367.

#### IV. CONCLUSION

12. Removal of this action is proper under 28 U.S.C. §1441. This is a civil action brought in a state court alleging a violation of a federal statute, and federal district courts have federal question jurisdiction under 28 U.S.C. §1331.

13. As a result, Midland removes this action from the Justice Court, Precinct 5, Place 1, Dallas County, Texas to the United States District Court for the Northern District of Texas, Dallas Division, so that this Court may assume jurisdiction over the cause as provided by law.

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

/s/ Stephanie E. Kaiser

Stephanie E. Kaiser (Texas Bar I.D. 24013633)

skaiser@dsda.com

6300 Ridglea Place, Suite 820

Fort Worth, TX 76116

(817) 653-3232 / (918) 925-5339 (Fax)

skaiser@dsda.com

*Attorneys for Defendant Midland Credit  
Management, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 21, 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Aaron Z. Tobin  
Kendal B. Reed  
Vanessa Rosa-Kubik  
[atobin@ctslaw.com](mailto:atobin@ctslaw.com)  
[kreed@ctslaw.com](mailto:kreed@ctslaw.com)  
[vrosa@ctslaw.com](mailto:vrosa@ctslaw.com)

I further certify that on August 21, 2017, I served the foregoing document on the following, who are not registered participants of the ECF System, by first class mail, postage prepaid, to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217

/s/Stephanie E. Kaiser

4342737.1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

(1) JOE HUNSINGER,	)	
	)	
PLAINTIFF,	)	
vs.	)	
	)	Case No. _____
(2) MIDLAND CREDIT	)	
MANAGEMENT INC.,	)	
(3) OLD REPUBLIC SURETY	)	
COMPANY,	)	
	)	
DEFENDANTS.	)	

**EXHIBIT "A"**

**INDEX OF MATTERS BEING FILED (CASE HISTORY)**

- |           |                                                                                                                        |
|-----------|------------------------------------------------------------------------------------------------------------------------|
| Exhibit A | Index of Matters Being Filed;                                                                                          |
| Exhibit B | A copy of State Court Docket Sheet (Case History);                                                                     |
| Exhibit C | A List reflecting all pleadings, and orders in the State Court Action, including:                                      |
|           |                                                                                                                        |
| C-1       | Petition filed July 12, 2017;                                                                                          |
| C-2       | Military Status Affidavit filed July 12, 2017;                                                                         |
| C-3       | Citation issued as to Midland Credit Management Inc. and Old Republic Surety Company dated July 12, 2017;              |
| C-4       | Original Answer of Old Republic Surety Company filed August 3, 2017;                                                   |
| C-5       | Entry of Appearance for Jon E. Brightmire on behalf of Defendant Midland Credit Management, Inc. filed August 3, 2017; |
| C-6       | Defendant Midland Credit Management, Inc.'s Motion for Extension of Time with Proposed Order filed August 3, 2017;     |
| C-7       | Defendant Midland Credit Management, Inc.'s Original Answer filed August 17, 2017;                                     |
| C-8       | Notice of Notice of Removal filed August 21, 2017.                                                                     |

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

(1) JOE HUNSINGER,

PLAINTIFF,

vs.

(2) MIDLAND CREDIT  
MANAGEMENT INC.,

(3) OLD REPUBLIC SURETY  
COMPANY,

DEFENDANTS.

)  
)  
)  
)  
) Case No. \_\_\_\_\_  
)  
)  
)  
)  
)

**EXHIBIT "B"**

**STATE COURT DOCKET SHEET**

J.P. 5-1 CIVIL DOCKET

ID 20 UAA

COMMENT RECORDS

CASE NUMBER -> JS-17201700

PL - HUNSINGER, JOE

RECORD-1.

DF - MIDLAND CREDIT, INC

L-1 8/3/17 OLD REPUBLIC SURETY COMPANY FILED ANSWER MCG

L-2 8/7/17 MIDLAND CREDIT'S ATTY FILES MOTION FOR EXTENSION OF T

L-3 IME.MAC

L-4 8/18/17 DF ATTY FILES REQUEST FOR DOCKET REPORT.MAC

L-5

RECORD-2.

L-1

L-2

L-3

L-4

L-5

RECORD-3.

L-1

L-2

L-3

L-4

L-5

**\*\*TRANSACTION COMPLETED. THANK YOU!!\*\***

NEXT--> CASE TYPE CASE NO

PAGE--> PA1-COMMENT/PROPERTY LIST

PF10-CITATION WHICH

PRINT--> DOCKET TYPE

PAPER TYPE



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS

(1) JOE HUNSINGER,

PLAINTIFF,

VS.

(2) MIDLAND CREDIT  
MANAGEMENT INC.,  
(3) OLD REPUBLIC SURETY  
COMPANY,

DEFENDANTS.

Case No. \_\_\_\_\_

**EXHIBIT "C"**

## INDEX OF STATE COURT FILINGS

- C-1** Petition filed July 12, 2017;
- C-2** Military Status Affidavit filed July 12, 2017;
- C-3** Citation issued as to Midland Credit Management Inc. and Old Republic Surety Company dated July 12, 2017;
- C-4** Original Answer of Old Republic Surety Company filed August 3, 2017;
- C-5** Entry of Appearance for Jon E. Brightmire on behalf of Defendant Midland Credit Management, Inc. filed August 3, 2017;
- C-6** Defendant Midland Credit Management, Inc.'s Motion for Extension of Time with Proposed Order filed August 3, 2017;
- C-7** Defendant Midland Credit Management, Inc.'s Original Answer filed August 17, 2017;
- C-8** Notice of Notice of Removal filed August 21, 2017.


**Justice Court Civil Case Information Sheet** (10/01/2015)Cause Number (for Clerk use ONLY) \_\_\_\_\_  
JOE HUNSINGER

STYLED \_\_\_\_\_

v.  
MIDLAND CREDIT MANAGEMENT, INC.  
and  
OLD REPUBLIC SURETY COMPANYRECEIVED  
OFFICE OF THE CLERK  
JUL 12 PM 12:46

(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition is filed to initiate a new suit. The information should be the best available at the time of filing. This sheet, required by Rule of Civil Procedure 502, is intended to collect information that will be used for statistical purposes only. It neither replaces nor supplements the filings or service of pleadings or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

1. Contact Information (for person completing case information sheet)	2. Names of parties in case
<b>JOE HUNSINGER</b> <hr/> Name 7216 CF HAWN FRWY. <hr/> Address Apt/Suite DALLAS TEXAS 75217 <hr/> City State Zip JOE75217@GMAIL.COM <hr/> Email <hr/> Telephone 214-682-7677 <hr/> Fax NONE <hr/> State Bar No. PRO SE <hr/> Signature 	Plaintiff(s): JOE HUNSINGER <hr/> <hr/> <hr/> Defendant(s): MIDLAND CREDIT MANAGEMENT INC.  OLD REPUBLIC SURETY COMPANY <hr/> <hr/> <hr/> [Attach additional page as necessary to list ALL parties]
<b>3. Indicate case type, or identify the most important issue in the case (select only 1)</b>	
<input checked="" type="checkbox"/> <b>Small Claims:</b> A small claims case is a lawsuit brought for the recovery of money damages, civil penalties, personal property, or other relief allowed by law. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Eviction:</b> An eviction case is a lawsuit brought to recover possession of real property, often by a landlord against a tenant. A claim for rent may be joined with an eviction case if the amount of rent due and unpaid is not more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.
<input type="checkbox"/> <b>Repair and Remedy:</b> A repair and remedy case is a lawsuit filed by a residential tenant under Chapter 92, Subchapter B of the Texas Property Code to enforce the landlord's duty to repair or remedy a condition materially affecting the physical health or safety of an ordinary tenant. The relief sought can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.	<input type="checkbox"/> <b>Debt Claim:</b> A debt claim case is a lawsuit brought to recover a debt by an assignee of a claim, a debt collector or collection agency, a financial institution, or a person or entity primarily engaged in the business of lending money at interest. The claim can be for no more than \$10,000, excluding statutory interest and court costs but including attorney fees, if any.

Judge Sara Martinez

Justice of the Peace, Precinct 5, Place 1

East Dallas Government Center

3443 St. Francis Ave.

Dallas, Texas 75228

Phone 214.943.6980

Email: JP51court@dallascounty.org

Fax 214.943.2871

Case No. JS 17-201700**JOE HUNSINGER**

Plaintiff(s)

v.

**MIDLAND CREDIT MANAGEMENT INC.**1<sup>st</sup> Defendant**OLD REPUBLIC SURETY COMPANY**2<sup>nd</sup> Defendant**In the Justice Court****Precinct 5, Place 1****County of Dallas****State of Texas**RECEIVED  
JUSTICE OF THE PEACE 5-1  
17 JUL 12 PM 12:46**Small Claims Petition**

(This form must be accompanied by a Justice Court Civil Case Information Sheet)  
(For all addresses, you **MUST** include number, street, apartment number, city, state, & zip code.)

NOW COMES the above named **Plaintiff** in the above entitled and numbered cause complaining of the above named **Defendant(s)**, who can be notified and/or served with citation at the following address:

**1<sup>st</sup> Defendant's address:**

8875 AERO DRIVE #200

ADDRESS and APT NO. or SUITE

San Diego CALIFORNIA 92108

CITY STATE ZIP

OTHER, if any

800-265-8825

Phone FAX

**2<sup>nd</sup> Defendant's address:**

8111 Lyndon B Johnson Fwy #530

ADDRESS and APT NO. or SUITE

DALLAS TEXAS 75251

CITY STATE ZIP

OTHER, if any

262-797-2640

Phone FAX

**3<sup>rd</sup> Defendant's address:**

ADDRESS and APT NO. or SUITE

CITY STATE ZIP

OTHER, if any

Phone FAX

0 Defendant(s) is/are jointly indebted to Plaintiff(s) for return of the following described property:

**Check to indicate service on Registered Agent**0 Registered agent for service of 1<sup>st</sup> DefendantNAME **CORPORATE Service Company**ADDRESS **211 EAST 7TH STREET #620**CITY STATE ZIP **AUSTIN TX 78701**

OTHER

Phone FAX

**Check to indicate service on Registered Agent**0 Registered agent 2<sup>nd</sup> DefendantNAME **CORPORATE Service Company**ADDRESS **211 EAST 7TH STREET #620**CITY STATE ZIP **Austin TX 78701**

OTHER

Phone FAX

**Check to indicate service on Registered Agent**0 Registered agent 3<sup>rd</sup> Defendant

NAME

ADDRESS

CITY STATE ZIP

OTHER

Phone FAX

Amador

valued at \$ \_\_\_\_\_

Or

17 JUL 12 2016  
 JUSTICE OF THE PEACE 5-1  
 RECEIVED

X Defendant(s) is/are justly indebted to Plaintiff(s) in the sum of \$ **10,000.00** for the following reason(s):

Plaintiff was contacted by Midland Credit Management, Inc. (Defendant Midland) collection letter dated 4-11-2014. Plaintiff disputed the debt in my letter dated 6-5-2014. Defendant Midland responded in a letter dated 6-20-2014, which no real investigation was done about my dispute. On 7-2-2015 Plaintiff sent Defendant Midland a second dispute letter, Defendant Midland continued their collection activity in their collection letters dated 2-10-2016 and 4-27-2016. On 6-22-2016 Midland's letter told me they opened an investigation on my dispute letter.

Plaintiff applied for credit with Discover and Chase and they inquired into his personal credit report on 7-22-2016 and Midland was reporting derogatory information about Plaintiff during a written dispute investigation. Plaintiff was denied credit by Discover letter 7-22-2016 and Chase letter 7-23-2016.

On 9-14-2016 Midland letter notified Plaintiff that they were no longer be collecting on the account.

Defendant Old Republic Surety Company (Defendant Republic) is a foreign entity that can be served in the state of Texas via its registered agent, Corporation Service Company, at 211 East 7<sup>th</sup> St., #620, Austin, Texas 78701. Defendant Republic is liable for acts committed by Defendant Midland pursuant to and to the extent provided by chapter 392 of the Texas Finance Code and a bond secured pursuant bond No. 2425881 with the Texas Secretary of State

Defendant Midland violated the Fair Debt Collection Practices Act (FDCPA) sections listed below and Plaintiff seeks a judgment of \$1,000.00 for these violations:

1692d, 1692e(2)(A), 1692e(5), 1692e(10), 1692f, and 1692g

Defendant violated Texas Finance Code (TFC) sections listed below and Plaintiff seeks a judgment of \$1,600.00 for these violations:

392.202(A)	\$100	392.301(a)(8)	\$100
392.202(B)	\$100	392.202	\$100
392.202(D)(1)	\$200	392.303(a)	\$100
392.202(D)(2)	\$200	392.303(a)(2)	\$100
392.202(D)(3)	\$200	392.304(a)(4)	\$100
392.301(a)(3)	\$200	392.304(a)(19)	\$100

On 9-8-2015 Defendant Midland's Consent Order with the CFPB No. 2015-CFPB-022, Defendant Midland was found to have violated 1692d, 1692e, 1692e(5), and 1692(10). The same violations stated in Plaintiff's Petition. Defendant Midland receives an average of 140,000 complaints a month (see paragraph 36 of the consent order). Defendant Midland was found to have ordered their personnel not to investigate disputes by requesting documentation from the consumer making

the dispute (see paragraph 38 of the consent order). Defendant Midland was found to collect debts without a reasonable basis (see paragraph 45 and 129 of the consent order).

Although Defendant Midland paid up to \$42,000,000.00 in restitution to consumers and another \$10,000,000 to the CFPB, and entered into a "Compliance Plan" to deter future violations of the FDCPA, Defendant Midland still violated the FDCPA against the Plaintiff.

Plaintiff demands \$2600.00. And Plaintiff demands \$7400.00 in special and compensatory damages, punitive damages, and general damages for the express purpose of punishing the defendant and to deter future similar acts to others. Plaintiff has suffered a loss of the enjoyment of his life by not having with him an extension of credit and the ability to participate in and enjoy the activities and pleasures of life as experienced prior to the injury.

After this Petition is filed, Plaintiff will send a true certified copy to:

Assistant Director for Enforcement  
Consumer Financial Protection Bureau  
1700 G Street, NW  
Washington, DC 20552

and

Office of the Texas Attorney General  
300 W. 15th Street  
Austin, TX 78701

RECEIVED  
JUSTICE OF THE PEACE 5-1  
17 JUL 12 PM 12:46

In a separate Motion, Plaintiff will request copies of judgments against Defendant Midland and the contract they had with the original creditor that allegedly allowed them to pursue collection activity against Plaintiff.

AND there are no counterclaims existing in favor of Defendant(s) against Plaintiff(s) except: NONE

Plaintiff(s) request(s) a judgment for a sum of money against Defendant(s), plus all court and process server fees incurred.

X [Signature]  
Signature of Plaintiff, Plaintiff's authorized agent, or  
7216 CF Hawn Frwy.

Address, Apartment or Suite No.  
Dallas Texas 75217  
City State Zip  
Phone 214-682-7677 FAX

X \_\_\_\_\_  
Signature of Plaintiff's Attorney (if applicable)

Attorney Address and Suite No.  
Attorney City Attorney State Attorney Zip  
Phone FAX

Bar Card # \_\_\_\_\_

[Signature] (initial) I consent to email service of the answer and any other motions or pleadings, to my email address

joe75217@gmail.com

Email address





THE STATE OF TEXAS

DOCKET NO: JS17-201700

TO THE DEFENDANT: MIDLAND CREDIT, INC R/A CORPORATE SERVICE COMPANY  
OLD REPUBLIC SURETY COMPANY RA/ CORPORATE SERVICE COMPANY

SUIT DESCRIPTION:  
SEE ATTACHMENT

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY TO HELP YOU IN DEFENDING  
AGAINST THIS LAWSUIT. BUT YOU ARE NOT REQUIRED TO EMPLOY AN ATTORNEY. YOU  
OR YOUR ATTORNEY MUST FILE AN ANSWER WITH THE COURT. YOUR ANSWER IS DUE BY

PLAINTIFF(S):  
HUNSINGER, JOE  
7216 CF HAWN FRY  
DALLAS, TX 75217  
(214) 682 7677

THE END OF THE 14TH DAY AFTER THE DAY YOU WERE SERVED WITH THESE PAPERS. IF  
THE 14TH DAY IS A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, YOUR ANSWER IS DUE BY  
THE END OF THE FIRST DAY FOLLOWING THE 14TH DAY THAT IS NOT A SATURDAY,  
SUNDAY, OR LEGAL HOLIDAY. DO NOT IGNORE THESE PAPERS. IF YOU DO NOT FILE  
AN ANSWER BY THE DUE DATE, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. FOR  
FURTHER INFORMATION, CONSULT PART V OF THE TEXAS RULES OF CIVIL PROCEDURE,  
WHICH IS AVAILABLE ONLINE AND ALSO AT THE COURT LISTED ON THIS CITATION.

VS.

DEFENDANT(S):  
MIDLAND CREDIT, INC  
R/A CORPORATE SERVICE COMPANY  
211 EAST 7TH STREET #620  
AUSTIN, TX 78701

OLD REPUBLIC SURETY COMPANY  
RA/ CORPORATE SERVICE COMPANY  
211 EAST 7TH STREET #620  
AUSTIN, TX 78701

IF YOU FAIL TO FILE AN ANSWER, JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST  
YOU FOR THE RELIEF DEMANDED IN THE PETITION. A COPY OF PLAINTIFF'S PETITION  
IS ATTACHED HERETO AND MADE A PART HEREOF AS THOUGH WRITTEN IN.

CITATION  
IN THE JUSTICE COURT

GIVEN UNDER MY HAND OFFICIALLY, THIS JULY 12, 2017.

FILED ON: 07-12-2017

CITATION ISSUED: 07-12-2017  
CITATION ISSUED TO  
PLT



JUDGE SARA MARTINEZ  
JUSTICE OF THE PEACE  
PRECINCT 5 PLACE 1  
DALLAS COUNTY

*Sara Martinez*

SARA MARTINEZ  
JUSTICE OF THE PEACE  
PRECINCT 5, PLACE 1  
DALLAS COUNTY  
3443 ST. FRANCIS  
DALLAS, TEXAS 75228  
(214) 943-6980

CAUSE NO. JS-17-20170 O

JOE HUNSINGER

*Plaintiff,*

vs.

MIDLAND CREDIT MANAGEMENT, INC.  
AND OLD REPUBLIC SURETY COMPANY

*Defendants*

§  
§  
§  
§  
§  
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IN THE JUSTICE COURT

PRECINCT 5, PLACE 1

DALLAS COUNTY, TEXAS

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**DEFENDANT OLD REPUBLIC SURETY COMPANY'S  
ORIGINAL ANSWER**

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TO THE HONORABLE JUDGE OF SAID COURT:

COMES now, Defendant OLD REPUBLIC SURETY COMPANY ("ORSC" or "Defendant") and files this Original Answer, and would respectfully show the Court as follows:

**GENERAL DENIAL**

1. Pursuant to Texas Rule of Civil Procedure 92, Defendant generally denies each and every, all and singular, the allegations contained in Plaintiff's Small Claims Petition, and demands strict proof, by a preponderance of the credible evidence.

**SPECIFIC DENIAL**

2. Defendant specifically denies all liability for the allegations in Plaintiff's Small Claims Petition because the alleged activity occurred prior to the effective date of the bond at issue. Defendant specifically denies any and all liability to Plaintiff.

**SPECIFIC AND AFFIRMATIVE DEFENSES**

3. Plaintiff's claims are barred in whole or in part by a failure of condition precedent.



4. Plaintiff's claims are barred, in whole or part, under the doctrine of limitation of liability.

5. Plaintiff's alleged damages, if any, were caused by individuals and/or entities that Defendant had no ability to, and in fact did not control.

6. Plaintiff's damages, if any, were caused or contributed to, in whole or in part, by Plaintiff's own acts and/or omissions.

**PRAYER**

WHEREFORE, Defendant OLD REPUBLIC SURETY COMPANY respectfully requests and prays that Plaintiff take nothing on his claims and causes of action; that Defendant recover its costs and reasonable and necessary attorney's fees; and that Defendant recover such other and further relief, in law and equity, as it may show itself justly entitled.

Respectfully submitted,

**CONDON TOBIN SLADEK THORNTON, PLLC**

/s/ Kendal B. Reed

Aaron Z. Tobin

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**ATTORNEYS FOR DEFENDANT OLD  
REPUBLIC SURETY COMPANY**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing **DEFENDANT OLD REPUBLIC SURETY COMPANY'S ORIGINAL ANSWER** has been forwarded this date by E-mail and Certified Mail, Return Receipt Requested, postage prepaid to the following:

Joe Hunsinger  
7216 CF Hawn Frwy  
Dallas, Texas 75217  
Email: joe75217@gmail.com

Signed this the 3<sup>rd</sup> day of August, 2017.

/s/ Kendal B. Reed  
KENDAL B. REED

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	PRECINCT 5 PLACE 1
MIDLAND CREDIT MANAGEMENT,	)	
INC.; OLD REPUBLIC SURETY	)	Dallas County, Texas
COMPANY,	)	
	)	
Defendant.	)	

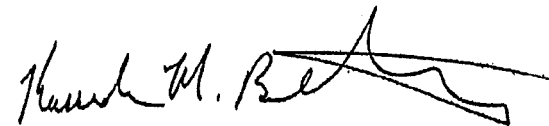
**ENTRY OF APPEARANCE**

Jon E. Brightmire and Kassandra M. Bentley of the law firm of Doerner, Saunders, Daniel & Anderson, L.L.P., enter their appearance on behalf of the Defendant Midland Funding, LLC.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:



Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
Ridglea Bank Building  
6300 Ridglea Place  
Suite 820  
Fort Worth, TX 76116  
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and

Jon E. Brightmire, OBA No. 11623  
Two West Second Street, Suite 700  
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(918) 591-5258 – *Telephone*  
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*jbrightmire@dsda.com*

*Attorneys for*  
*Midland Credit Management, Inc.*

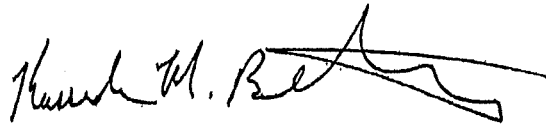
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The undersigned hereby certifies that on August 3, 2017, a true and correct copy of the above and foregoing was:

- ☒ mailed with postage prepaid thereon;
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to:

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7216 CF Hawn Freeway  
Dallas, TX 75217



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Kassandra M. Bentley

4343449v1

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	PRECINCT 5 PLACE 1
MIDLAND CREDIT MANAGEMENT,	)	
INC.; OLD REPUBLIC SURETY	)	Dallas County, Texas
COMPANY,	)	
	)	
Defendant.	)	

**DEFENDANT MIDLAND CREDIT MANAGEMENT  
INC.'S MOTION FOR EXTENSION OF TIME**

In accordance with Texas Rule of Civil Procedure 500.5(c), Defendant Midland Funding, LLC requests an extension of fourteen (14) days within which to serve an answer or other responsive pleading to the Petition. In support of this request, Defendant states the following:

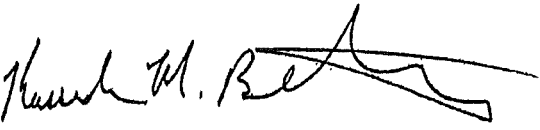
1. Without the requested extension, Defendant's answer or other responsive pleading is due August 3, 2017.
2. No previous motions for extension of time have been made.
3. The extension is requested as counsel for Defendant is still gathering information necessary to respond to the Petition.
4. There are no scheduled trials or other deadlines, and therefore the granting of this Motion will not have any impact on other deadlines.
5. Defendant requests an extension of fourteen (14) day to answer or otherwise respond to the Petition.
6. A proposed Order granting this Motion is being submitted with the Motion.

WHEREFORE, Defendant Midland Funding LLC requests an extension of 14 days or August 17, 2017 to answer or otherwise respond to the Petition.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:

  
Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
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[kbentley@dsda.com](mailto:kbentley@dsda.com)

and

Jon E. Brightmire, OBA No. 11623  
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*Attorneys for*  
*Midland Credit Management, Inc.*

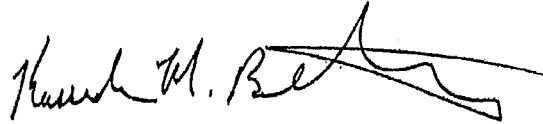
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to:

Joe Hunsinger  
7216 CF Hawn Freeway  
Dallas, TX 75217



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Kassandra M. Bentley



CASE NO. JS170027814

JOE HUN\$INGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5 PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
Defendant.	)	

**ORDER GRANTING EXTENSION OF TIME**

Upon Motion of Defendant Midland Funding, LLC and for good cause shown, the Court finds that Defendant's Motion for Extension of Time to Respond to Plaintiff's Petition should be granted.

IT IS THEREFORE ORDERED Defendant's time to respond to Plaintiff's Petition is extended 14 days.

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HONORABLE SARA MARTINEZ  
JUSTICE OF THE PEACE

CASE NO. JS170027814

JOE HUNSINGER,	)	IN THE JUSTICE COURT
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
MIDLAND CREDIT MANAGEMENT,	)	PRECINCT 5 PLACE 1
INC.; OLD REPUBLIC SURETY	)	
COMPANY,	)	Dallas County, Texas
	)	
	)	
Defendant.	)	

**DEFENDANT MIDLAND CREDIT MANAGEMENT, INC.'S ORIGINAL ANSWER**

Defendant Midland Credit Management, Inc. ("Midland") files its *Original Answer* to Plaintiff Joe Hunsinger's Small Claims Petition, and in support states the following:

**I.**

**General Denial**

1. Midland generally denies each and every allegation contained in Plaintiff's Petition and demands strict proof thereof by a preponderance of the evidence as required by law.

**II.**

**Alternative Defenses**

2. Should any of the defenses or allegations contained in this pleading be inconsistent or required to be alleged in the alternative, they shall be considered as being pled in the alternative and no waiver of any defense is intended as a result of the content of any other defense.

3. Plaintiff has failed to state a claim upon which relief can be granted.

4. All of Plaintiff's claims are barred by the applicable statute of limitations.

5. Plaintiff lacks standing to bring this lawsuit because he did not suffer an injury-in-fact.

6. To the extent any violation is established, any such violation was not intentional and resulted from bona fide error notwithstanding the maintenance of procedures reasonably adopted and specifically intended to avoid any such error.

7. Any alleged damages to Plaintiff, which Defendant denies, are the result of the acts or omissions of Plaintiff or others over whom Defendant has no control and for whom it has no responsibility, and were not due to the actions of Defendant.

8. Plaintiff failed to mitigate his alleged damages.

### **III.**

#### **Right to Amend or Supplement this Answer**

3. Midland specifically reserves the right to amend or supplement this answer and pleading by way of affirmative defense, special exception, counterclaim, cross-claim, or any other pleading or matter as permitted by the Texas Rules of Civil Procedure or other applicable authority, agreement of the parties, or Court order.

### **IV.**

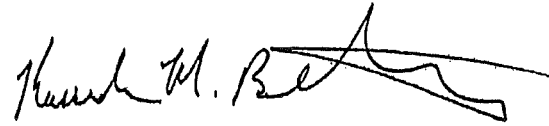
#### **Request for Relief**

WHEREFORE, PREMISES CONSIDERED, Midland respectfully requests that: (a) Plaintiff takes nothing by way of his claims against Midland; (b) all claims asserted by Plaintiff against Midland be dismissed; (c) Midland recover the costs it incurs defending against Plaintiff's claims; and (d) Midland be awarded such other and further relief, whether at law or in equity, to which it is entitled.

Respectfully submitted,

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:



Kassandra M. Bentley, OBA No. 21599/TBA No. 24095522  
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*Attorneys for*  
*Midland Credit Management, Inc.*

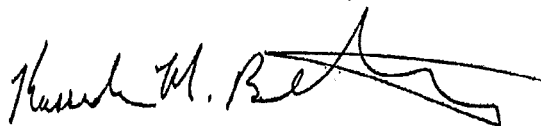
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Dallas, TX 75217



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Kassandra M. Bentley

4359074.1